



**JOINT MEETING OF
THE MILPITAS CITY COUNCIL &
MILPITAS HOUSING AUTHORITY**

TUESDAY, JUNE 6, 2017

**455 EAST CALAVERAS BOULEVARD, MILPITAS, CA
5:30 P.M. CLOSED SESSION • 7:00 P.M. PUBLIC BUSINESS**

SUMMARY OF CONTENTS

- I. CALL TO ORDER** by the Mayor and **ROLL CALL** by City Clerk (5:30 p.m.)
- II. ADJOURN TO CLOSED SESSION**
 - (a) CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**
Pursuant to California Government Code Section 54957.6
City Negotiator: Tina Murphy
Employee Groups: Milpitas Employees Association
Under Negotiation: Wages, Hours, Benefits, and Working Conditions
 - (b) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Pursuant to Government Code Section 54956.9(d)(4) - City as Plaintiff
 - (c) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to Government Code Section 54956.9(d)(1)
City of Milpitas v. CalRecycle, San Francisco Superior Court Case No. CPF-16-514952
 - (d) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code section 54956.9(d)(1)
Tom Williams v. City of Milpitas, et al. - Santa Clara County Superior Court Case No. 17CV309235
 - (e) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code section 54956.9(d)(1)
First Amendment Coalition v. City of Milpitas – Santa Clara County Superior Court Case No. 17CV310994
 - (f) CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION**
Pursuant to California Government Code section 54956.9(d)(2) - City as Defendant
 - (g) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to California Government Code Section 54957. Position: City Manager
- III. CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required pursuant to Government Code Section 54957.1, including the vote or abstention of each member present
- IV. PLEDGE OF ALLEGIANCE** (7:00 p.m.)

V. INVOCATION (Mayor Tran)

VI. SCHEDULE OF MEETINGS – COUNCIL CALENDAR - June 2017

VII. PRESENTATIONS

- Award Youth Advisory Commission Scholarship to Victoria Huynh
- Award Arts Commission “Larry Voellger” Scholarship
- Commend Milpitas Executive Lions Club for “Celebrating Differences” Event
- Proclaim “Juneteenth” in Milpitas on Friday, June 16, 2017
- Recognize participants in Milpitas International Cultural Festival

VIII. PUBLIC FORUM

Members of the audience are invited to address the Council on any subject not listed on this agenda. Speakers must come to the podium, state their name and city of residence for the Clerk’s record, and limit their remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. However, the Council may instruct the City Manager to place the item on a future meeting agenda.

IX. ANNOUNCEMENTS

X. ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

XI. APPROVAL OF AGENDA

XII. CONSENT CALENDAR (Items with asterisks*)

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a member of the City Council, member of the audience, or staff requests the Council to remove an item from or be added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

XIII. APPROVAL OF COUNCIL MEETING MINUTES

May 3, 2017 – special Budget Study Session

May 11, 2017 – special Closed Session

May 16, 2017 – regular and special meeting

May 18, 2017 – special and Budget Study Session

May 30, 2017 – special Closed Session

XIV. PUBLIC HEARINGS

- 1. Re-open Public Hearing, Adopt a Joint Resolution Approving the Final Operating Budget for the City of Milpitas and Housing Authority for Fiscal Year 2017-18, a Resolution Adopting the Appropriations Limit, and a Resolution Amending the Classification Plan for Fiscal Year 2017-18; and, Approve Out of State Travel Requests (Staff Contact: Will Fuentes, 408-586-3111)**
- 2. Conduct a Public Hearing, Consider the Approval of Community Development Block Grant Allocations for Program Year 2017-18 and Review the Draft 5-Year Consolidated Plan (Staff Contact: Tim Wong, 408-586-3286)**

XV. UNFINISHED BUSINESS

- * 3. Receive the Monthly Update of the Odor Control Report (Staff Contact: Greg Chung, 408-586-3355)**

- * 4. **Receive Information Regarding the Abandonment of the Teleminder Alert System and Promote the Public Use of AlertSCC (Staff Contact: Toni Charlop, 408-586-2801)**
- 5. **Discuss and Make Recommendations on Access to Milpitas Sports Center Outdoor Turf Fields and Walking Paths (Staff Contact: Renee Lorentzen, 408-586-3409)**

XVI. REPORT OF MAYOR

- * 6. **Consider Mayor's Recommendation for Re-appointment to One City of Milpitas Commission (Contact: Mayor Tran, 408-586-3029)**

XVII. NEW BUSINESS

- * 7. **Consider Request from Project Sentinel to Waive Fees for Certificate of Occupancy in New Milpitas Location (Staff Contact: Mary Lavelle, 408-586-3001)**
- * 8. **Approve a Transfer of \$20,000 from the Recreation Center Stage Holding Account to the Performing Arts Operating Budget in FY 2016-17 (Staff Contact: Dale Flunoy, 408-586-3228)**
- * 9. **Approve the Accounts Receivable Write-offs for the Fiscal Year Ended June 30, 2017 (Staff Contact: Jane Corpus, 408-586-3125)**

XVIII. ORDINANCES

- *10. **Waive the Second Reading and Adopt Ordinance No. 38.829 Amending Title XI, Chapter 10, Section 6.02, Subsection 2 of the Milpitas Municipal Code For Requirements in an "MXD" zoned designation (Staff Contact: Michael Fossati, 408-586-3274)**
- *11. **Waive the Second Reading and Adopt Ordinance No. 197.14 Relating to Re-organization of Departments (Staff Contact: Will Fuentes, 408-586-3111)**
- *12. **Waive the Second Reading and Adopt Ordinance No. 293 Restricting Expanded Polystyrene (EPS) Foam Food Ware Use (Staff Contact: Leslie Stobbe, 408-586-3352)**

XIX. RESOLUTIONS

- *13. **Adopt a Resolution Approving the Sole Source Purchase of Two 2017 Pierce Velocity All-Wheel-Steer Fire Pumpers from Golden State Fire Apparatus, Inc. for the Not-To-Exceed Amount of \$1,455,176 (Staff Contacts: Galahad Zamora, 408-586-2826 and Chris Schroeder, 408-586-3161)**
- *14. **Adopt a Resolution Approving a Framework to Develop a Green Infrastructure Plan as Required by the Municipal Regional Stormwater Permit (Staff Contacts: Judy Chu, 408-586-3325 and Leslie Stobbe, 408-586-3352)**
- *15. **Adopt a Resolution Certifying Election Results and Adding Anton Development Project Sites, a 582-unit Apartment Development at 730-750 East Capital Avenue, into Community Facilities District 2008-1 (Annexation No. 12), and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Judy Chu, 408-586-3325)**
- *16. **Adopt a Resolution Approving the Annual Engineer's Report, Declaring its Intention to Levy and Collect Assessments for Fiscal Year 2017-18, and Setting a Public Hearing Date on June 20, 2017 for the Landscaping and Lighting Maintenance Assessment District No. 95-1 at McCarthy Ranch (Staff Contact: Judy Chu, 408-586-3325)**

- *17. Adopt a Resolution Approving the Annual Engineer's Report, Declaring its Intention to Levy and Collect Assessments for Fiscal Year 2017-18, and Setting a Public Hearing Date on June 20, 2017 for the Landscaping and Lighting Maintenance Assessment District No. 98-1 at Sinclair Horizon (Staff Contact: Judy Chu, 408-586-3325)**
- *18. Adopt a Resolution Granting Initial Acceptance of and Release and Discharge of that Portion of the Performance Bond for City Utility Improvements Constructed as Part of the Santa Clara Valley Transportation Agency Silicon Valley Berryessa Extension Project, Milpitas Station Parking Structure, VTA Project No. C730 and Authorize Director of Engineering/City Engineer to Issue the Notice of Final Acceptance for the City Utility Improvements After the One-Year Warranty Period (Staff Contact: Greg Chung, 408-586-3355)**
- *19. Adopt Resolution Supporting Senate Bill 687 (Skinner) Related to Emergency Medical Services (Staff Contact: Christopher Diaz, 408-586-3040)**

XX. AGREEMENTS & BID

- *20. Authorize the City Manager to Execute Amendment No. 2 to the Agreement with Santa Clara County Department of Environmental Health for the Countywide Household Hazardous Waste Collection Program with an Additional \$5,000 Budget for Milpitas Residents (Staff Contact: Greg Chung, 408-586-3355)**
- *21. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Master Agreement with the County of Santa Clara for the Senior Nutrition Program (Staff Contact: Renee Lorentzen, 408-586-3409)**
- *22. Approve a Memorandum of Understanding and Authorize the City Manager to Execute the MOU with the Santa Clara Valley Water District Waiving Establishing a Mutual Waiver of Fees for City and District Capital Improvement Program Projects (Staff Contact: Steve Erickson, 408-586-3301)**
- *23. Approve Amendment No. 1 to the Agreement with Adonai Perazim, Inc., Doing Business as Prints Charles Reprographics, to Extend the Term of the Agreement and Increase Compensation in the Additional Amount of \$35,000 for On-Call Printing and Plan Well Services for Various Capital Improvement Projects and Engineering Department Printing Needs (Staff Contact: Steve Erickson, 408-586-3301)**
- *24. Approve Project Plans and Specifications, and Authorize the Advertisement for Bid Proposals for Cathodic Protection Improvements - Project No. 7115 (Staff Contact: Steve Erickson, 408-586-3301)**
- *25. Approve Amendment No. 3 to the Agreement with West Yost Associates, Inc. for Staff Augmentation Services in the Amount of \$50,000 (Staff Contact: Steve Pangelinan, 408-586-3051)**
- *26. Approve and Authorize the City Manager to Execute Amendment No. 6 to the Consulting Service Agreement with Mott MacDonald, LLC to Increase Compensation in the Additional Amount of \$175,000 and to Extend the Term to December 31, 2017 Associated with Land Development Projects (Staff Contact: Greg Chung, 408-586-3355)**
- *27. Approve Temporary Water Service Agreement with Summitpointe Golf Course (Staff Contact: Nina Hawk, 408-586-2603)**

XXI. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XXII. ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING:
TUESDAY, JUNE 20, 2017

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035. Phone 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. 408-586-3000

All City Council agendas and related materials can be viewed online here:
www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Current Vacancies on: Arts Commission
Community Advisory Commission
Economic Development Commission
Emergency Preparedness Commission
Library Commission
Telecommunications Commission
Sister Cities Commission
Youth Advisory Commission

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings in that facility.

AGENDA REPORTS

XIV. PUBLIC HEARINGS

- 1. Re-open Public Hearing, Adopt a Joint Resolution Approving the Final Operating Budget for the City of Milpitas and Housing Authority for Fiscal Year 2017-18, a Resolution Adopting the Appropriations Limit, and a Resolution Amending the Classification Plan for Fiscal Year 2017-18; and, Approve Out of State Travel Requests (Staff Contact: Will Fuentes, 408-586-3111)**

Background: On April 26, May 2 and May 16, 2016, the City Council participated in Budget Study Sessions for the FY 2017-18 Operating Budget.

On April 18, 2017, the City Council adopted the FY 2017-18 Capital Improvement Program projects budget and the FY 2017-2022 Five Year Capital Improvement Program.

On May 18, the City Council held a public hearing on the final budget for the City of Milpitas and the Milpitas Housing Authority for Fiscal Year 2017-18.

Three Resolutions for Adoption:

City Council is requested to adopt three resolutions for the following purposes:

- 1) Approve the final budget for the City of Milpitas and the Milpitas Housing Authority for Fiscal Year 2017-18 in the total amount of \$134,591,470.
- 2) Amend the classification plan to reflect the reclassifications and adjusting the number of positions from the Authorized Position List.
- 3) Approve the appropriations limit for the City Milpitas for FY 2017-18. The appropriations limit is calculated annually based on the change of population in the City of Milpitas or the County of Santa Clara, whichever is greater and the change in per capita income. The appropriations limit places a cap on the amount of tax revenues that the City can collect. The calculation shows that anticipated tax revenues for FY 2017-18 are below the limit.

Fiscal Impact: The total operating budget amount for City of Milpitas for all funds including debt service for FY 2017-18 is \$134,705,694.

Recommendations:

1. Re-open the public hearing, and move to close the hearing following any speakers.
2. Adopt a Joint Resolution of City Council and the Housing Authority approving the final Operating budget for the City of Milpitas and the Milpitas Housing Authority for Fiscal Year 2017-18.
3. Adopt a Resolution approving the Appropriations Limit for FY 2017-18.
4. Adopt a Resolution amending the Classification Plan for Budgetary Reclassifications and Position Authorizations.
5. Approve requests for staff to travel out of state in FY 2017-18, per city policy and for elected officials if appropriate.

Attachments:

- a) Proposed FY 2017-18 Budget and Financial Plan (binder)
- b) Joint Resolution of City Council and the Housing Authority approving the final Operating budget for the City of Milpitas and the Milpitas Housing Authority for Fiscal Year 2017-18
- c) Resolution approving the Appropriations Limit for FY 2017-18
- d) Resolution amending the Classification Plan for Budgetary Reclassifications and Position Authorizations
- e) Proposed list of Out of State Travel FY 2017-18

- 2. Conduct a Public Hearing, Consider the Approval of Community Development Block Grant Allocations for Program Year 2017-18 and Review the Draft 5-Year Consolidated Plan (Staff Contact: Tim Wong, 408-586-3286)**

Background: The Community Development Block Grant (CDBG) program is a federally funded community development program administered through the Department of Housing and Urban Development (HUD). Funds received through this program are able to be used for a variety of purposes such as to pay for public services for homeless persons and victims of domestic violence, to pay for rehabilitation of facilities that serve income qualified persons. CDBG funds are allocated on an annual basis and the City receives approximately \$400,000 per year in CDBG funding.

Typically, a funding year begins in January when City staff issues a Notice of Funding Availability (NOFA) for the CDBG funds. In February, City staff works with the Community Advisory Commission (CAC) to develop funding recommendations to the City Council. At the March meeting, the CAC finalizes recommendations to the City Council for final consideration. Historically, the Council usually makes their final approval in April. The Council-approved funding allocations are then included in an Annual Action Plan and submitted to HUD. The Annual Action Plan is a HUD required document that outlines the City's spending plan for the upcoming fiscal year.

However, because of federal budget uncertainty, HUD submittal requirements have been delayed. In addition, this year the City is required to submit its updated Consolidated Plan. Required by HUD to be submitted every five years, the Consolidated Plan provides a general assessment and strategic plan on how CDBG funds will be spent over the next five years. All future CDBG allocations must be consistent with the Consolidated Plan. The plan also establishes the priorities and goals for the City in addressing housing, public services, and community development needs. The Consolidated Plan was prepared substantial public outreach including five community forums throughout the City in the month of November 2016. Notices for the meeting were published in English, Spanish and Vietnamese languages. In addition, eight Consolidation Plan update presentations informing the public about the Community forums and update process were made to commissions, a neighborhood association and an English as a Second Language (ESL) class. The City's Consolidated Plan was last updated in 2012.

Consolidated Plan and CDBG Allocation Public Hearing Process:

Since this year requires the update of the Consolidated Plan, the approval process is slightly different than a more typical funding year. Per the City's Citizen Participation Plan, the Council will hold two public hearings for the Consolidated Plan. Therefore, this first Public Hearing meeting is for staff to receive any questions, comments or suggestions about the Consolidated Plan. In addition, the Council would make final approval of the upcoming fiscal year's CDBG allocation at this meeting. The Council would consider adoption of the Consolidated Plan at its June 20, 2017 meeting.

At the second public hearing, the City Council would consider adopting the Consolidated Plan and the Annual Action Plan. The Annual Action Plan will reflect the Council's CDBG funding allocation that were considered at the June 6, 2017 public hearing.

Community Development Block Grant (CDBG) FY 2017-18 Funding Recommendations

The U.S. Department of Housing and Urban Development (HUD) provides annual grants through the Community Development Block Grant (CDBG) Program to local state and entitlement cities to assist in providing decent housing, a suitable living environment and expand economic opportunities for low to moderate-income persons. The purpose of this public hearing is to set funding allocations for the CDBG funds provided to the City for FY 2017-18. As mentioned, the funding allocations would then be included in the Annual Action Plan that would be considered at the next Public Hearing.

Council shall note that because of the uncertainty of federal funding, the City has not yet received its funding allocation. As per direction from HUD staff, staff has assumed that this year's funding is equal to last year's allocation amount of \$420,364. Typically, entitlement cities such as Milpitas will receive their allocation amount by April, enabling City Council to make a final approval of the recommendations made by the Community Advisory Commission (CAC). But due to the uncertainty in the budget, the City has not received its allocation amount from the federal government.

Thus note that the funding recommendations listed in the Annual Action Plan are proposed by the CAC. The City Council is responsible for making the final allocation amounts. In addition to the funding allocations, since the actual CDBG entitlement amount was not finalized, the CAC recommended when the City does receive its CDBG allocation, whatever the percentage difference from the assumed allocation amount of \$420,264, that the percentage be applied to each of the recommended allocations.

Pursuant to CDBG federal requirements, the total CDBG funding can set aside up to 15% for public service, 65% for non-public services and the 20% towards program administration. Therefore, the overall maximum CDBG funding allocation for Program Year 2017-18 will be:

Public Services	\$63,054.60
Capital Services	\$273,236.60
Program Administration	<u>\$84,072.80</u>
Total:	\$420,364.00

Below is a list of all organizations and the CAC recommended CDBG allocations for FY 2017-18:

ORGANIZATION		PROJECT	REQUESTED AMOUNT	RECOMMENDED AMOUNT
1)	Catholic Charities of Santa Clara County	Long Term Care Ombudsman Program	10,000	5,000
2)	Child Advocates of Silicon Valley	Advocacy for Foster Youth	10,000	6,185
3)	City of Milpitas - Recreation and Community Services	Recreation Assistance Program (RAP)	25,000	6,223
4)	Dress for Success San Jose	San Jose Suiting Program and Career Center	5,000	5,000
5)	LifeMoves*	Homeless Services	39,990	
6)	Milpitas Food Pantry	Food distribution	25,000	8,327
7)	Milpitas Unified School District	Love 4 Literacy Program	33,300	5,057
8)	Next Door Solutions to Domestic Violence	Domestic Violence victims services	10,000	5,222
9)	Project Sentinel**	Fair Housing Services	27,293	-
10)	Senior Adults Legal Assistance	Legal Assistance to Elders	5,393	5,308
11)	SVILC	Housing Services for Persons with Disabilities	5,149	5,044
12)	The Health Trust	Meals on Wheels	20,000	6,689

13)	YWCA Silicon Valley	Domestic Violence Victims Services	10,000	5,000
TOTAL			\$226,325	\$63,0545

* LifeMoves submitted an application but then withdrew their application.

** Project Sentinel, is being funded outside of the Public Service allocation. Project Sentinel is an extension of Staff as the City's fair housing and tenant/landlord consultant. The City will fund Project Sentinel \$10,000 from CDBG PY 17-18's program administration with additional \$15,000 from the Housing Authority fund. This is the same arrangement from previous years.

Project Sentinel is recommended to be funded through the CDBG administration allocation and the Affordable Housing Fund.

Capital Services

ORGANIZATION	PROJECT	RECOMMENDATION
Rebuilding Together Silicon Valley	Rebuilding Safety Home Repairs and Accessibility Modifications	\$120,000
Resources for Community Development	Predevelopment costs for 355 Sango Court*	
San Jose Conservation Corps & Charter School	SJCC & CS Solar Training Program	\$60,500
Terrace Gardens, Inc.	Resident LED Kitchen Light Project	\$22,000
Terrace Gardens, Inc.	Security Camera Project	\$20,000
Terrace Gardens, Inc.	Carpet Replacement Project	\$13,000
Terrace Gardens, Inc.	Expandable Tree Rings Project	\$13,200
City of Milpitas, Housing Department	Rehabilitation Loan Program	\$24,537
TOTAL		\$273,237

* The Sango Ct. application is proposed to be funded by the City's Affordable Housing Fund.

It is recommended that \$150,000 from the Affordable Housing Funds be allocated for 355 Sango Ct. predevelopment costs.

During the month of January 2017, the City advertised in the Milpitas Post, City's website and sent notices to current service providers and surrounding local service providers notifying the public about the 30-day time period by which to submit CDBG funding applications. The Community Advisory Commission (CAC) held a public hearing on March 1, 2017, to review the 21 applications received and provide funding recommendations to the City Council. CAC funding recommendations are based on an assumed allocation of \$420,364. CAC made the final allocation recommendations at its March 1, 2017 meeting. Included for Council's consideration with the agenda packet is a binder with copies of all submitted applications (in 3-ring binder).

CAC Funding Adjustment Recommendation

Because the City has not received its HUD allocation, City staff, per HUD direction, used the previous year's allocation of \$420,364 for FY 2017-18. In case the FY 2017-18 allocation came in above or below the assumed amount of \$420,364, the CAC recommended that any percentage change between the assumed amount of \$420,364 and the actual allocated amount be correspondingly applied to each application. For example, if the actual allocation is 2.5% higher than the assumed amount,

then all applications would receive a 2.5% increase. Conversely, if the actual allocation is 2.5% below the assumed amount, then all recommended allocations would receive a 2.5% reduction.

Five-Year Consolidated Plan

The Consolidated Plan is a required report by the Department of Housing and Urban Development (HUD) which was designed to help states or jurisdictions provide a community-wide dialogue to identify housing and community development needs and priorities to guide future use of federal funds such as Community Development Block Grant (CDBG).

The required report is due to HUD every five years, creates a framework of the needs and priorities of the community for a five year period. The Consolidated Plan is implemented through two annual reports, the Annual Action Plan and the Consolidated Annual Performance and Evaluation Report (CAPER). The Annual Action Plan is due to HUD after CDBG funding has been allocated to service providers for the upcoming program year. The Annual Action Plan will provide concise summary of the actions, activities and the specific federal and non-federal resources that will be each year to address the prior needs and specific goals identified initially in the Consolidated Plan. During the end of the program year, the Consolidated Annual Performance and Evaluation Report (CAPER) will report on all the accomplishments and progress towards the Consolidated Plan made by all the service providers in the past program year with CDBG funds.

The Consolidated Plan is heavily focused on community-wide dialogue and the solicitation of community input. Housing staff ran two public notices in the Milpitas Post, noticing the public of the community forums and online survey. The public notices were printed in three different languages: English, Spanish and Vietnamese. It was also posted on the City's website. Staff held five (5) public forums at geographically different areas of the City including the Milpitas Police Department, Milpitas Public Library, Barbara Lee Senior Center, Community Center and Sinnott Elementary School at various times of the day to give Milpitas residents every opportunity to participate. Staff also presented the Consolidated Plan update to seven City Commissions. An online survey was also prepared. The survey was presented at every public forum and Commission presentation. The meetings were open to anyone including residents, employees, employers and service providers.

In addition, staff made a visit to the Milpitas Adult School's English as a Second Language class to inform the school about the Consolidated Plan update process and to receive any feedback from the program. The ESL class was also encouraged to participate in the process.

Based on the public outreach, priority needs were identified in the Consolidated Plan to address the housing and community development needs in Milpitas. Priority needs are as follows:

- Affordable Housing Development and Preservation
- Maintain and preserve existing housing
- Support public services that serve lower income persons that include these groups:
 - The homeless
 - Children and youth
 - Special needs populations
 - Seniors
- Public Improvements including increasing accessibility and improving public facilities.

The report also addresses policies and strategies the City will take to address the needs of the most vulnerable clientele. A copy of the 5-Year Consolidated Plan is included for Council consideration with the agenda packet (in 3-ring binder).

Fiscal Impact: None.

Recommendations:

1. Open the public hearing, then move to close the hearing, following testimony.

2. Approve the Public Service and Capital CDBG Funding recommendations for Program Year 2017-18.
3. Approve \$10,000 of the CDBG administration for fair housing services from Project Sentinel.
4. Approve \$15,000 for fair housing services from Project Sentinel and \$150,000 for predevelopment funding for 355 Sango Ct. from the Affordable Housing Fund.
5. Approve the Community Advisory Commission funding adjustment recommendation requiring a uniform percentage adjustment.
6. Review the Consolidated Plan.
7. Authorize the City Manager to execute CDBG agreements with the service providers.

Attachments:

Binder with copies of all CDBG Applications + flash drive with all supporting documents
Binder with 5-Year Consolidated Plan (2017-2022)

XV. UNFINISHED BUSINESS

- * 3. Receive the Monthly Update of the Odor Control Report (Staff Contact: Greg Chung, 408-586-3355)**

Background: From April 7 through May 11, 2017, the Bay Area Air Quality Management District (BAAQMD) forwarded 180 complaints originating in Milpitas. 86 complaints identified a garbage odor, 10 complaints identified a sewage odor and 84 complaints did not identify an odor source. As of the last Council update, the City's odor reporting website has received 25 reported complaints.

Recommendation: Receive the monthly update of the odor control report.

Attachment: None

- * 4. Receive Information Regarding the Abandonment of the Teleminder Alert System and Promote the Public Use of AlertSCC (Staff Contact: Toni Charlop, 408-586-2801)**

Background: The City of Milpitas previously employed the use of the Teleminder alarm system. These are audible alarms set up strategically in locations around the City. Due to technological advances enabling information to pass more easily and efficiently, Santa Clara County employed the services of AlertSCC. AlertSCC allows individuals to register their cell phone for voice and text alerts, home phones to receive voice alerts, including the use of TTY technology, and email alerts. It is set to the preference of the user. Most importantly, it is the means in which Milpitas Dispatch Communications notifies the community of concerns in their area – including shelter in place, evacuation, or areas to avoid. The Milpitas Fire, Police and Emergency Services encourage all residents to utilize this FREE emergency alert notification system!

Fiscal Impact: None

Recommendation: to receive information regarding abandonment of the Teleminder Alert System and promote the public use of AlertSCC.

Attachment: AlertSCC flyer

- 5. Discuss and Make Recommendations on Access to Milpitas Sports Center Outdoor Turf Fields and Walking Paths (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: The Milpitas Sports Center Sport Fields Project was completed and officially opened on July 2, 2016. The new outdoor field facility is currently in use by Milpitas Youth Sport organizations, Adult Sports Leagues, private rentals, and City sponsored events and programs. On March 1, 2017, the City Council requested to discuss access of the Milpitas Sports Center artificial

turf field and walking path. On May 24, 2017, staff conducted a Community Meeting on the use of the turf fields and walking paths. 33 residents including youth sport organizers, players, and Milpitas Sports Center members and general public attended the meeting that was held to receive feedback from residents on their desired use of the sports area.

Discussion at the meeting generated commonly agreed upon themes:

- The Sports Center Outdoor Field Facility should be considered for availability for both organized sports and fitness (walking path) users
- Expected accountability for all users as to the rules and regulations of the facility (animals, bikes, gear)
- Rules of the Field/Walking Path should be clearly posted both outside and inside the facility gates
- General public access hours should be during Sports Center operating hours to help with enforcement/monitoring
- Schedules of the fields (reserved use and public access time) should be posted outside the field gates and through the City's social media outlets

Community Meeting attendees' responses on preferred schedules reflected that the general public is interested in walking path access weekdays, 7:00AM – 11:00AM and 4:00PM – 8:00/9:00PM and on weekends 8:00AM – 6:00PM.

Current Uses/Schedules

Generally, Youth Sport Group practices are Monday – Friday from 4:00PM – 8:00PM. The general public currently uses the walking paths during this time. Generally, Youth Sport Group games are held Saturdays and Sundays, 8:00 AM – 8:00 PM. No public access is allowed during organized games.

City of Milpitas special events are typically booked a year in advance, with some exception. During special events, only event related public access is allowed. Private rentals can be booked anywhere from one year to 45 days before an event date. During private rentals, only event related public access is allowed. Maintenance of the field is conducted one day a week from 7:30 AM – 3:30 PM. Public access during maintenance is not allowed.

Proposed Use

Staff proposes the incorporation of scheduled public access time, based on community feedback, to the Sports Center Outdoor Field Facility:

- Weekday mornings, except for maintenance days,
- Weekday late afternoons through early evening, and
- Saturdays, during Sports Center operating hours, if there are no games or events scheduled.

Public access times would be for unorganized use/play only.

Scheduled public access time may change with the season of play (about every 4 months), City events and/ or classes, advanced maintenance or repair, and any private rentals. Recreation Services will maintain, communicate and post the detailed fields and walking path schedule for public information. Should general public access be approved by City Council, staff will closely monitor the additional use's effects on the site and of the coordination of the different uses for one full season. Staff would report back to City Council in the late fall on the site's status.

Fiscal Impacts: An additional annual appropriation of \$10,000 to Public Works Maintenance Budget for additional maintenance hours and supplies for this site is required and an appropriation of \$3,120 to Recreation Services Part Time Staff budget for additional Building attendant hours for the opening of the facility for FY 2017-18.

Recommendations:

- 1) Receive staff report and move to approve general public access to the Milpitas Sports Center fields for unorganized use to be scheduled by the Recreation and Community Services Department.
- 2) Direct staff to return in the late fall this year with a report on the status of the additional use.
- 3) Approve FY 2017-18 appropriation of \$10,000 to Public Works Maintenance Budget for additional maintenance hours and supplies and \$3,120 to Recreation Services Part Time Staff budget for additional Building attendant hours from the FY 2017-18 Contingent Reserve account.

Attachment: Budget Change Form

XVI. REPORT OF MAYOR

- * 6. Consider Mayor's Recommendation for Re-appointment to One City of Milpitas Commission (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Receive Mayor Tran's recommendation and approve his re-appointment of Alternate No. 2 Vicki Young to a term of 2 years on the Emergency Preparedness Commission, which will expire in June of 2019.

Attachment: None

XVII. NEW BUSINESS

- * 7. Consider Request from Project Sentinel to Waive Fees for Certificate of Occupancy in New Milpitas Location (Staff Contact: Mary Lavelle, 408-586-3001)**

Background: On May 5, 2017, the City Clerk received a Fee Waiver/Reduction Request Application Form from Project Sentinel. This non-profit organization moved its office location from Santa Clara to Milpitas to be located in the Sobrato Center. It requires a business license and a certificate of occupancy from the City of Milpitas.

The Sobrato Center for Nonprofits has many locations, and one is located at 600 Valley Way, Milpitas, CA 95035. Project Sentinel leases space at this center. Its physical and mailing address is 554 Valley Way, Bldg. 4, Milpitas, CA 95035. Project Sentinel's mission is to develop and promote fairness and equality of housing for all persons and to advocate peaceful resolution of disputes for community welfare and harmony.

Fiscal Impact: \$20,000 was approved and included in the FY 2016-17 City budget for City Council's Unallocated Community Promotions, and funds remain available to waive the fees requested.

Recommendation: Approve the fee waiver request from Project Sentinel to waive the Certificate of Occupancy fee in the amount of \$537.90.

Attachments: Fee Waiver Request form and IRS & CA letters of non-profit determination

- * 8. Approve a Transfer of \$20,000 from the Recreation Center Stage Holding Account to the Performing Arts Operating Budget in FY 2016-17 (Staff Contact: Dale Flunoy, 408-586-3228)**

Background: Center Stage Children's Theatre fundraisers held to help offset costs for additions to the Theater Sound System were successfully held over the past two years. Staff requests to transfer \$20,000 from the Center Stage Holding Account to go into the Performing Arts Operating Budget to partially offset the cost of additions and upgrades to the existing system. As per policy, such transactions need City Council approval.

Fiscal Impact: None. Transferring funds from the Center Stage Holding Account will offset money used from the Performing Arts operating budget for the system additions and upgrades.

Recommendation: Approve a transfer of \$20,000 from the Center Stage Children's Theatre program's Holding Account into the Performing Arts operating budget to assist with the costs of additions and upgrades to the existing theater sound system in the current fiscal year budget.

Attachment: Budget Change Form

*** 9. Approve the Accounts Receivable Write-offs for the Fiscal Year Ended June 30, 2017 (Staff Contact: Jane Corpus, 408-586-3125)**

Background: On a periodic basis, staff presents a listing of accounts receivable (AR) write-offs to City Council for approval. This report covers the period prior to June 2016. Attached in the Council's packet are two AR lists, one for utility accounts (water, sewer, solid waste) and the other for non-utility accounts that have remained unpaid for more than 12 months. When customers are first invoiced, normal accounting procedures require us to record AR revenue with the intent of collecting amounts due in a year's time or less. However, a small percentage of receivables are ultimately found to be uncollectible for a variety of reasons and subject to bad-debt write off. When such items have been outstanding for more than a year and all collection methods have been exhausted, it is necessary to write off these accounts off. This is a routine, but important, audit and year-end procedure. Collections efforts that precede this write-off request include internal billing mailings, past due notices, phone call follow up and collection agency services. Some collection efforts may continue after write off but are expected to have a low probability of success.

The table below identifies account/invoice categories, payees and amounts for the entire one-year term. It should be noted that during this period, the City achieved an overall collection rate of 99.65%. The proposed write-offs amount of \$171,273 is approximately 0.35% of all the amounts invoiced during the same period. The following table displays the write off dollars and percentage by invoice category.

	Invoiced amounts	Proposed write-off amounts	% invoiced amount
Utility accounts	\$ 38,006,941	\$ 37,101	0.10%
Private Development Jobs	1,487,145	32,884	2.21%
Housing Loan	4,960,385*	50,000	1.01%
CDBG Rehabilitation Loan	3,536,993*	40,898	1.16%
Fire Annual Permits	590,410	246	0.04%
Fire Cost Recoveries	2,400	200	8.33%
Fire False Alarm	231,878	300	0.13%
Police False Alarms	74,421	7,200	9.67%
Animal Violation regulation	1,975	300	15.19%
Neighborhood Beautification Ordinance Violations	3,310	1,900	57.40%
Misc. other	13,994	244	1.74%
TOTAL	\$ 48,909,853	\$171,273	0.35%

NOTE: * Outstanding Loan Balances as of 4/30/2017

Upon review of the listing above, the majority of the write offs relate to the following activities: Utility based uncollectible billings equal \$37,101, a small percentage, and common to the industry, of annual bad-debt accounts. One \$50,000 uncollectible relates to a Housing Authority loan recipient that went into foreclosure.

Fiscal Impact: Write offs of \$171,273 from the outstanding accounts receivable will reduce the full-accrual fund balances of the following funds:

General Fund:	\$43,274
Utility Funds:	\$37,101
HCD Fund:	\$50,000
CDBG Fund:	\$40,898

Recommendation: Approve the Accounts Receivable Write-offs for the fiscal year ending June 30, 2017.

Attachments:

- a) FY 2016-17 Miscellaneous Accounts Receivable Write Off
- b) FY 2016-17 Utility Bills Write Off

XVIII. ORDINANCES

- *10. Waive the Second Reading and Adopt Ordinance No. 38.829 Amending Title XI, Chapter 10, Section 6.02, Subsection 2 of the Milpitas Municipal Code For Requirements in an “MXD” zoned designation (Staff Contact: Michael Fossati, 408-586-3274)**

Background: Ordinance No. 38.829 was introduced following the waiving of the first reading beyond the title at the May 16, 2017 City Council meeting. This Ordinance is now ready for its second reading and adoption. This Ordinance allows the potential of religious institutions to be located less than 1,000 linear feet from any other quasi-public use within an MXD zone.

Recommendation: Waive the second reading and adopt Ordinance No. 38.829 amending Title XI, Chapter 10, Section 6.02, Subsection 2 of the Milpitas Municipal Code to remove “Churches and Other Religious Institutions” from the Spatial Requirement that requires such uses be more than one thousand feet from one another for lots located in an “MXD” zoned designation.

Attachment: Ordinance No. 38.829 for adoption

- *11. Waive the Second Reading and Adopt Ordinance No. 197.14 Relating to Re-organization of Departments (Staff Contact: Will Fuentes, 408-586-3111)**

Background: On May 18, 2016, the City Council introduced an Ordinance to re-organize the departments by separating the Human Resources and Recreation into two departments. Ordinance No. 197.14 is now ready for a second reading and adoption.

Recommendation: Waive the second reading and adopt Ordinance No. 197.14 amending the Milpitas Municipal Code to re-organize the City departments.

Attachment: Ordinance No. 197.14 for adoption

- *12. Waive the Second Reading and Adopt Ordinance No. 293 Restricting Expanded Polystyrene (EPS) Foam Food Ware Use (Staff Contact: Leslie Stobbe, 408-586-3352)**

Background: Ordinance No. 293 was introduced following the waiving of the first reading beyond the title at the May 16, 2017 City Council meeting to restrict the use of expanded polystyrene for use in foam food ware. This Ordinance is now ready for its second reading and adoption.

Recommendation: Waive the second reading and adopt Ordinance No. 293 amending the Milpitas Municipal Code to restrict EPS foam food ware use.

Attachment: Ordinance No. 293 for adoption

XIX. RESOLUTIONS

- *13. Adopt a Resolution Approving the Sole Source Purchase of Two 2017 Pierce Velocity All-Wheel-Steer Fire Pumpers from Golden State Fire Apparatus, Inc. for the Not-To-Exceed Amount of \$1,455,176 (Staff Contacts: Galahad Zamora, 408-586-2826 and Chris Schroeder, 408-586-3161)**

Background: The City of Milpitas has adopted the Transit Area Specific Plan and the Midtown Specific Plan, both of which call for higher density housing with narrower streets and tighter turning dimensions. The Fire Department has been replacing old equipment as needed with apparatus designed to operate in higher density areas with wheelbases designed for tighter turning radii in order to respond to calls from the new higher density developments citywide as well as older areas of the city such as south east Milpitas from Yosemite between South Park Victoria and Piedmont Rd. through the Piedmont corridor to Landis Avenue which also contain narrow streets and tight turning dimensions.

The Fire Department currently operates five Pierce fire engines in the fleet, which offers the benefit of uniformity of training for the engineers and maintenance staff, and provide economy of scale for parts and service costs. The Fire Department conducted a twelve month investigation, reviewing 16 different pumper engine models from the top six major fire engine manufacturers including Rosenbauer America, Smeal Fire Apparatus, KME, E-ONE, Sutphen and Pierce Manufacturing, Inc.. Pierce Manufacturing, Inc. is the only manufacturer that provides the Oshkosh TAK-4® front end and Oshkosh TAK-4 T3® rear end All-Wheel-Steer Tight Turning Technology. All-Wheel-Steer Tight Turning Technology with rear mechanical steering is a patented mechanical over hydraulic system with no electronics for fewer breakdowns and reduced maintenance requirements. The system provides power to 2 (two) steering gears simultaneously to improve steering performance through smaller radius and diameter turns, improves lane-to-lane turning, increases maneuverability and safety and increases tire life by reducing tire scrub.

After a good faith review conducted by the Fire Department, the Purchasing Agent determined, pursuant to Municipal Code section I-2-3.09 "Sole Source Procurement," that Pierce Manufacturing, Inc. was the only source for fire engines with Oshkosh TAK-4® front end and Oshkosh TAK-4 T3® rear end All-Wheel-Steer Tight Turning Technology that meets the Fire Department's specifications. Golden State Fire Apparatus, Inc. is the sole source distributor of Pierce fire engines in northern California. The base price for the two fire engines is \$1,440,176 taking into consideration a pre-payment discount of \$66,637 if full payment is made at the time the order is placed. The total purchase price of \$1,455,176 includes a \$15,000 contingency for any possible change orders.

Fiscal Impact: None. Sufficient funding is in the FY 2017-18 Capital Improvement Program Fund for this purchase.

Recommendation: Adopt a resolution approving the sole source purchase of two Pierce Velocity Fire Pumpers from Golden State Fire Apparatus, Inc. for the not-to-exceed amount of \$1,455,176.

Attachments:

- a) Resolution
- b) Proposal for Pierce Fire Apparatus
- c) Pierce Manufacturing Inc. Sole Source Letter 4/21/2017

- *14. Adopt a Resolution Approving a Framework to Develop a Green Infrastructure Plan as Required by the Municipal Regional Stormwater Permit (Staff Contacts: Judy Chu, 408-586-3325 and Leslie Stobbe, 408-586-3352)**

Background: The City of Milpitas is subject to the requirements of the Municipal Regional Stormwater Permit (MRP) for municipalities and agencies in the San Francisco Bay area (Order R2-

2015-0049), which became effective on January 1, 2016. The MRP applies to 76 municipalities (cities, towns and counties) and flood control agencies (Santa Clara Valley Water District) that discharge stormwater to San Francisco Bay, collectively referred to as Permittees. A new section of the MRP requires Permittees to develop and implement a long-term Green Infrastructure (GI) Plan for the inclusion of Low Impact Development (LID) measures in storm drain infrastructure on public and private lands, including streets, roads, storm drains, parking lots, building roofs, and other elements. LID measures mimic nature and reduce stormwater runoff by minimizing impervious cover, and infiltrating, storing, and/or treating stormwater runoff through natural processes. These measures reduce the quantity of runoff and pollutants flowing into storm drains and local creeks.

Examples of GI include:

- Landscape-based “biotreatment” areas that use soil and plants to treat stormwater;
- Pervious paving systems (e.g., interlocking concrete pavers, porous asphalt, and pervious concrete) that allow stormwater to soak into the ground;
- Rainwater harvesting systems (e.g., cisterns and rain barrels) that capture stormwater for non-potable uses such as toilet flushing and landscape irrigation; and
- Other methods to capture and treat stormwater.

To comply with the MRP, each Permittee’s governing body must approve a GI Plan Framework (Framework) that describes specific tasks and timeframes for development of the GI Plan by June 30, 2017. The GI Plan must be developed by September 30, 2019 as described in the Framework. Once the GI Plan is developed and approved by the Regional Water Quality Control Board, it becomes the implementation guide and reporting tool for the MRP and subsequent permits.

On May 10, 2017, the Milpitas Planning Commission received a staff presentation about key elements of the Framework, reviewed GI concepts, and discussed GI Plan components. Commissioners noted that GI elements provide opportunities to improve walking areas, street and landscapes, and other aesthetic qualities. In response to questions about project identification and prioritization, staff noted that the City currently requires all regulated projects to design and construct LID source control, site design and stormwater treatment measures that reduce urban water runoff from the entire project site for the life of the project. It was the consensus of the Commission to be included in draft reviews for the GI Plan.

The Framework:

1. Provides background on the MRP requirements for GI planning;
2. Describes the purpose, goals, and tasks to develop the City’s GI Plan, and;
3. Outlines time frames for creation of the City’s GI Plan and other GI tasks required in the MRP.

Some tasks in the Framework to be completed by September 30, 2019 that increase stormwater treatment areas and reduce impervious areas are:

- Perform a GI Feasibility Study to identify implementation options with associated costs that are applicable for Milpitas.
- Research and visit sites that demonstrate GI elements.
- Develop and implement a pilot project at public facilities.
- Incorporate GI requirements into applicable public and private projects.
- Complete updates of all pertinent documents to support GI implementation, including the Milpitas General Plan, Transit Area Specific Plan, Midtown Specific Plan, and all Design Guidelines and Plan Review Checklists.

California Environmental Quality Act: The adoption of the resolution approving a Framework to develop a GI Plan is exempt from CEQA pursuant to CEQA Guidelines Sections 15307 (actions by a Regulatory Agency for protection of the natural resources) and 15308 (actions by a Regulatory Agency for Protection of the Environment) because it is intended to reduce urban runoff and thereby reduce the risk of harm to aquatic wildlife and improve water quality in Milpitas creeks and the Southern San Francisco Bay. In the alternative, the approval of the Framework is exempt pursuant to

a Class 6 categorical exemption (State CEQA Guidelines, §15306), which consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. The Framework involves activities strictly for information gathering purposes and as part of a study that will lead to the adoption of a GI Plan which the City of Milpitas has not yet approved, adopted or funded.

Alternative: Failure to adopt the Resolution approving a Framework to develop a GI Plan will result in the City not being in compliance with the MRP.

Fiscal Impact: City has approved a total amount of \$48,500 for FY 2017-18 to manage all MRP requirements, including development of a GI Plan. Staff will monitor the effort and progress related to the development of GI Plan and come back to the City Council for a mid-year budget modification, if needed. The General Fund is the source for MRP program management. As part of the City's annual budget process, there will be allocated staff hours and project costs for developing and implementing the GI Plan over time.

Recommendation: Adopt a resolution approving a Framework to develop a Green Infrastructure Plan as required by the Municipal Regional Stormwater Permit.

Attachments:

- a) Resolution
- b) City of Milpitas Green Infrastructure Plan Framework
- c) Fact Sheet: Integrating Green Infrastructure into Public Streets, Roads, Buildings & Parking Lots

***15. Adopt a Resolution Certifying Election Results and Adding Anton Development Project Sites, a 582-unit Apartment Development at 730-750 East Capital Avenue, into Community Facilities District 2008-1 (Annexation No. 12), and Authorize the City Manager to Execute the Subdivision Improvement Agreement (Staff Contact: Judy Chu, 408-586-3325)**

Background: On June 21, 2016, the City Council conditionally approved a Site Development Permit for a 582-unit apartment and 5,000 square feet retail mixed-use development at 730-750 East Capital Avenue (the "Anton Development Project") between Milpitas Boulevard and Lundy Place within the Transit Area Specific Plan (TASP) area.

The Anton Development Project sites are subject to annexation to the Community Facilities District No. 2008-1 as required by the project conditions. City has on file a Certificate of Registrar of Voters from the County of Santa Clara certifying that there is no registered voters residing within the boundaries of proposed Annexation No. 12 to the CFD 2008-1. On May 26, 2017, the property owner(s) unanimously agreed to Annexation No. 12.

The City Engineer has also reviewed and approved public improvement plans (2-1228 and 2-1229) pursuant to MMC XI-1-7.09-2. The Developer has executed a Subdivision Improvement Agreement as approved by the City Attorney as to form and by the City Engineer as to substance pursuant to MMC XI-1-17.01, and provided improvement securities (\$1,515,000 for faithful performance and \$1,515,000 for labor and materials) to guarantee completion of required public improvements.

California Environmental Quality Act: Annexation of real properties into the existing CFD 2008-1 is not a project pursuant to the CEQA section 15378(b)(4). Execution of a Subdivision Improvement Agreement is not considered a project under CEQA as there will be no direct, or reasonable foreseeable indirect physical change in the environment.

Fiscal Impact: Adding the Anton Development Project sites to the CFD No. 2008-1 would allow the City to levy special taxes to properties within the Anton Development Project site, in order to fund for certain public services within TASP.

Recommendation: Adopt a resolution certifying election results and adding Anton Development Project sites into Community Facilities District 2008-1 (Annexation No. 12), and authorize the City Manager to execute the Subdivision Improvement Agreement.

Attachments: Resolution (and Subdivision Improvement Agreement)

- *16. Adopt a Resolution Approving the Annual Engineer's Report, Declaring its Intention to Levy and Collect Assessments for Fiscal Year 2017-18, and Setting a Public Hearing Date on June 20, 2017 for the Landscaping and Lighting Maintenance Assessment District No. 95-1 at McCarthy Ranch (Staff Contact: Judy Chu, 408-586-3325)**

Background: On May 16, 2017, the City Council adopted Resolution No. 8665 ordering the preparation of the Fiscal Year 2017-18 Engineer's Report for the LLMD No. 95-1. City has retained NBS Government Finance Group to assist in preparation of the FY 2017-18 Engineer's Report to determine the FY 2017-18 assessment rate.

As described in the FY 2017-18 Engineer's Report, the total net assessment for LLMD No. 95-1 is in the amount of \$325,877. The assessment rate is \$0.02761 per square foot, which is a 5.77% increase from the prior year being \$0.02611 per square foot. The increased rate is due to adjustment for inflation, increased operation and maintenance needs and to fund for future Capital Improvement Program project. The assessment rate increases have been 5.97% for FY 16-17 and 5.07% for FY 15-16. The assessment rate is under the maximum authorized range (\$0.0431 per square foot) previously approved by the owners of the LLMD No. 95-1. Section 7 of the Engineer's Report provides the FY 2017-18 assessment for each of the parcels located within the LLMD No. 95-1.

This Resolution approves the annual Engineer's Report for FY 2017-18, declares the City's intent to levy and collect an assessment, and directs publishing of notice of public hearing to be held on June 20, 2017.

California Environmental Quality Act: This action is not considered a project under CEQA as there will be no direct, or reasonable foreseeable indirect physical change in the environment.

Fiscal Impact: Levy and collection of assessment for LLMD 95-1 would provide funding resource for the City to improve and maintain public landscaping, irrigating and pedestrian lighting.

Recommendation: Adopt a resolution approving the annual Engineer's Report, declaring its intention to levy and collect assessments for Fiscal Year 2017-18, and setting a public hearing date on June 20, 2017 for the Landscaping and Lighting Maintenance Assessment District No. 95-1 (McCarthy Ranch).

Attachment: Resolution

- *17. Adopt a Resolution Approving the Annual Engineer's Report, Declaring its Intention to Levy and Collect Assessments for Fiscal Year 2017-18, and Setting a Public Hearing Date on June 20, 2017 for the Landscaping and Lighting Maintenance Assessment District No. 98-1 at Sinclair Horizon (Staff Contact: Judy Chu, 408-586-3325)**

Background: On May 16, 2017, the City Council adopted Resolution No. 8666 ordering the preparation of the Fiscal Year 2017-18 Engineer's Report for the LLMD No. 98-1. City has retained NBS Government Finance Group to assist in preparation of the FY 2017-18 Engineer's Report to determine the FY 2017-18 assessment rate.

As described in the FY 2017-18 Engineer's Report, the total net assessment for LLMD No. 98-1 is in the amount of \$40,473. The assessment rate is \$412.994 per lot, which is a 3.46% increase from the prior year being \$399.2 per lot. The increased rate is due to adjustment for inflation and increased operation and maintenance needs. The assessment rate increases have been 2.8% for FY 2016-17 and

4% for FY 2015-16. The assessment rate is under the maximum authorized range (\$445.064 per lot) previously approved by the owners of the LLMD No. 98-1. Section 7 of the Engineer's Report provides the FY 2017-18 assessment for each of the 98 lots located within the LLMD No. 98-1.

This Resolution approves the annual Engineer's Report for FY 2017-18, declares the City's intent to levy and collect an assessment, and directs publishing of notice of public hearing to be held on June 20, 2017.

California Environmental Quality Act: This action is not considered a project under CEQA as there will be no direct, or reasonable foreseeable indirect physical change in the environment.

Fiscal Impact: Levy and collection of assessment for LLMD No. 98-1 would provide funding resource for the City to improve and maintain public landscaping and irrigating.

Recommendation: Adopt a resolution approving the annual Engineer's Report, declaring its intention to levy and collect assessments for Fiscal Year 2017-18, and setting a public hearing date on June 20, 2017 for the Landscaping and Lighting Maintenance Assessment District No. 98-1 (Sinclair Horizon).

Attachment: Resolution

- *18. Adopt a Resolution Granting Initial Acceptance of and Release and Discharge of that Portion of the Performance Bond for City Utility Improvements Constructed as Part of the Santa Clara Valley Transportation Agency Silicon Valley Berryessa Extension Project, Milpitas Station Parking Structure, VTA Project No. C730 and Authorize Director of Engineering/City Engineer to Issue the Notice of Final Acceptance for the City Utility Improvements After the One-Year Warranty Period (Staff Contact: Greg Chung, 408-586-3355)**

Background: On September 10, 2010, the City Council entered into a Master Agreement with the Santa Clara Valley Transportation Authority (VTA) that included provisions for VTA's construction of certain City public improvements in conjunction with VTA's Silicon Valley Rapid Transit Program-Berryessa Extension Project. In accordance with the agreement, City engineering staff reviewed the plans and specifications for VTA's construction of utility laterals for the new Parking Structure project C730. On June 1, 2016, staff issued a joint encroachment permit to VTA and their contractor, McCarthy Building Companies, Inc., to complete the construction in accordance with the approved plans and specifications. City staff inspected the contractor's work and finds it to be complete and in accordance with the provisions of the Master Agreement, the VTA plans and specifications, and City standards. The minor improvements to be owned and maintained by the City (sewer, storm drain and water services/laterals) are now ready for the City's initial acceptance.

Staff recommends that Council adopt a resolution granting initial acceptance of the City utility improvements, subject to a one year warranty period, and authorize the release of that portion of the contractor's faithful performance bond attributable to the City utility improvements. The City of Milpitas is a "dual-obligee" on the performance bond with VTA, and VTA will be assuming responsibility for warranty/maintenance of the City utility improvements for a one year warranty period until final acceptance per the attached letter. Staff also recommends that the City Council authorize the Director of Engineering/City Engineer to issue the Notice of Final Acceptance of the City utility improvements after the one year warranty period without further City Council action, provided all warranty work is completed to the satisfaction of the Director of Engineering/City Engineer.

Alternatives: A denial of this request could result in the contractor not being able to close out its contract with VTA and release its bond.

California Environmental Quality Act: Exempt per overall SVBX Environmental approval, per CEQA and NEPA.

Fiscal Impact: None

Recommendation: Adopt a resolution granting initial acceptance of the City utility improvements constructed as part of the VTA BART extension project, subject to a one year warranty period that VTA is responsible for, and release of that portion of the contractor's faithful performance bond attributable to the City utility improvements on which City is dual-obligee; and granting authorization to the Director of Engineering/City Engineer to issue the Notice of Final Acceptance of the City utility improvements after the one-year warranty period.

Attachments:

- a) Resolution
- b) Letter from Santa Clara Valley Transportation Authority

***19. Adopt Resolution Supporting Senate Bill 687 (Skinner) Related to Emergency Medical Services (Staff Contact: Christopher Diaz, 408-586-3040)**

Background: At the request of Councilmember Nuñez, the City Council is requested to consider for adoption a resolution supporting Senate Bill 687, which relates to closure of emergency medical service facilities. A study in the Journal of Health Affairs found that 26 California hospitals, including emergency rooms (ERs), closed from 1999 to 2010, and another 22 closed their ERs but the remaining facility stayed open. ER closures force emergency responders to travel longer distances to transport patients to an available ER, which can cause negative health impacts for transported patients.

Pending in the Legislature is Senate Bill 687 (Skinner), which would require any non-profit that operates or controls a health facility to notify and obtain consent of the Attorney General prior to any reduction or elimination of emergency medical services. SB 687 would also require that the Attorney General hold a public hearing to enable the community to provide input on the impact of such closures. SB 687 would minimize the harmful ripple effects of ER closures.

Fiscal Impact: None.

Recommendation: Adopt a resolution supporting Senate Bill 687 related to Emergency Medical Services.

Attachment: Resolution

XX. AGREEMENTS & BID

***20. Authorize the City Manager to Execute Amendment No. 2 to the Agreement with Santa Clara County Department of Environmental Health for the Countywide Household Hazardous Waste Collection Program with an Additional \$5,000 Budget for Milpitas Residents (Staff Contact: Greg Chung, 408-586-3355)**

Background: The Santa Clara County Department of Environmental Health has administered a Countywide Household Hazardous Waste Collection (HHW) Program since October 1991. This program allows proper disposal of household hazardous materials which are not allowed in landfills. An agreement dated June 9, 2015 between the County and each participating jurisdiction, including the City of Milpitas, allows the program to continue for a 3-year period which must be renewed each year with an amendment. Amendment No. 1 to this agreement was approved on May 3, 2016.

The proposed second amendment to the agreement includes a \$5,000 augmentation in the event that the program attracts of Milpitas residents disposing of HHW beyond the funded 4% participation level. Historically, Milpitas has attained the 4% level only once since the program was implemented in 2010.

California Environmental Quality Act: The item is exempt from CEQA as there will be no physical change to the environment.

Alternative: The County's HHW program would be unable to provide services to Milpitas residents beyond the 4% participation goal.

Fiscal Impact: None. If needed, the County will deduct the \$5,000 from the remittance in the subsequent year.

Recommendation: Authorize the City Manager to execute Amendment No. 2 to the Agreement with Santa Clara County Department of Environmental Health for the Countywide Household Hazardous Waste Collection Program with an additional \$5,000 budget for Milpitas residents.

Attachment: Amendment No. 2 to the Agreement with Santa Clara County

- *21. Approve and Authorize the City Manager to Execute Amendment No. 1 to the Master Agreement with the County of Santa Clara for the Senior Nutrition Program (Staff Contact: Renee Lorentzen, 408-586-3409)**

Background: The City of Milpitas has contracted with the County of Santa Clara to help implement the Senior Nutrition Program since 1978. The parties entered into a Master Agreement in July 2016 to implement the Senior Nutrition Program, which includes four 1-year options to extend the Agreement. This program serves seniors, 60 years and older, 248 days per year, an average of 89 meals per day, for a total of 22,209 meals per year. The total budget for the FY 2017-18 Nutrition Program is \$186,548. Under the proposed Amendment No. 1 to the Master Agreement for the Senior Nutrition Program, the City of Milpitas and the County of Santa Clara would equally share the cost of the program for FY 2017-18, which would amount to a burden of \$93,274 each (after reimbursement), as outlined in Amendment No. 1. Under the Master Agreement, the City would initially pay all costs and the County would reimburse the City its 50% cost share after the receipt of invoices and other documentation.

Fiscal Impact: None. Sufficient funds have been budgeted in the Recreation Services Department FY 2017-18 operating budget.

Recommendation: Approve and authorize the City Manager to execute Amendment No. 1 to the Master Agreement with the County of Santa Clara for the Senior Nutrition program extending the term to June 30, 2018.

Attachment: Amendment No. 1 to the Master Agreement with Santa Clara County, including program budget

- *22. Approve a Memorandum of Understanding and Authorize the City Manager to Execute the MOU with the Santa Clara Valley Water District Waiving Establishing a Mutual Waiver of Fees for City and District Capital Improvement Program Projects (Staff Contact: Steve Erickson, 408-586-3301)**

Background: The City and the Santa Clara Valley Water District (District) each adopt annual 5-year Capital Improvement Program budgets (CIP) that provide for the design, construction, maintenance, and repair of infrastructure that benefit both the public and habitat. Projects that require work within another agencies right-of-way generally require a permit from that agency, including payment of related fees which can be costly and time consuming to process.

In an effort of cooperation to stream line permit processing, reduce CIP administration costs, and to provide expeditious issuance of permits, the adoption of a Memorandum of Understanding (MOU) between the City and District is proposed to establish a policy for the mutual waiver of agency permit

fees. Fees proposed to be waived would include encroachment permit, land-use, engineering review, and construction inspection as related to each agencies CIP projects.

The term of the MOU would be for three years and would cover City and District projects listed in Exhibits A and B of the MOU. The adoption of this MOU would reflect a cost savings to both agencies do the mutual waiver of fees and it would enhance customer service by the prompt issuance of permits, benefiting project delivery schedules.

Alternative: Denial of this request would result in the continuation of the District and the City mutually charging each other fees for the permitting of projects within their respective right-of-way.

Fiscal Impact: Estimated total cost for City permit and inspection fees proposed to be waived for District projects outlined in the MOU is no more than \$10,000. The estimated value of District permit fees to be waived for City projects is approximately \$60,000.

Recommendation: Authorize the City Manager to execute the Memorandum of Understanding with the Santa Clara Valley Water District establishing a mutual waiver of fees for City and District projects.

Attachment: Memorandum of Understanding

- *23. Approve Amendment No. 1 to the Agreement with Adonai Perazim, Inc., Doing Business as Prints Charles Reprographics, to Extend the Term of the Agreement and Increase Compensation in the Additional Amount of \$35,000 for On-Call Printing and Plan Well Services for Various Capital Improvement Projects and Engineering Department Printing Needs (Staff Contact: Steve Erickson, 408-586-3301)**

Background: On June 3, 2014, the City entered into a consultant agreement with Prints Charles Reprographics in the amount of \$45,000 to provide on-call printing and plan well services for various capital improvement projects and Engineering Department printing needs.

Staff recommends that the Prints Charles contract be extended 2 years to June 30, 2019 to continue providing on-call printing and plan well services for the Engineering Department for the implementation of the Capital Improvement Program. Plan well services are used to aid with advertising and bidding of CIP projects and is a vital service that the City uses on a regular basis. Amendment No.1 with Prints Charles Reprographics is proposed for these additional services. Staff negotiated a fee for these services not to exceed \$35,000, which is considered reasonable for the work. Approval of this agreement amendment brings the total agreement amount to \$80,000.

Fiscal Impact: None. Sufficient funds are available in the various CIP projects budgets for these services.

Recommendation: Approve Amendment No. 1 to the Agreement with Adonai Perazim, Inc., Doing Business as Prints Charles Reprographics, to extend the term of the agreement and increase compensation in the additional amount of \$35,000 for on-call printing and plan well services for various Capital Improvement Projects and Engineering Department printing needs.

Attachment: Amendment No. 1 to the Agreement with Adonai Perazim, Inc

- *24. Approve Project Plans and Specifications, and Authorize Advertisement for Bid Proposals for Cathodic Protection Improvements Project No. 7115 (Staff Contact: Steve Erickson, 408-586-3301)**

Background: Plans and specifications for the Cathodic Protection Improvements Project No. 7115 are completed. This project will provide for cathodic protection system improvements to welded steel

force main and ductile iron pipelines within the Milpitas Main Sewer Pump Station at North McCarthy Boulevard. The engineer's estimate for this work is \$80,000.

A copy of the plan cover sheet is included in the Council's agenda packet and a complete set of plans and specifications are available for review in the office of the City Engineer.

Alternative: Failure to approve this action would result in continued corrosion of the force main and associated pipelines at the main sewer pump station.

California Environmental Quality Act: The project is exempt under Section 15301 (Existing Facilities) of the CEQA Guidelines.

Fiscal Impact: Adequate funds are available in the project budget.

Recommendation: Approve project Plans and Specifications and authorize advertisement for bid proposals for Cathodic Protection Improvements Project No. 7115.

Attachment: Plan title sheet

- *25. Approve Amendment No. 3 to the Agreement with West Yost Associates, Inc. for Staff Augmentation Services in the Amount of \$50,000 (Staff Contact: Steve Pangelinan, 408-586-3051)**

Background: On October 3, 2016, the City entered into an agreement with West Yost Associates in the amount of \$100,000 to provide staff augmentation for the City Engineering position to plan, organize, direct and oversee the activities and operations of the Engineering Department, including Land Development, Traffic, Design & Construction, Utilities, Solid Waste, Storm and Sewer, and Inspections. On February 7, 2017, the parties entered into Amendment No. 1 to increase compensation by \$75,000 for a new total amount of \$175,000, and to extend the terms of the agreement to April 30, 2017. On April 30, the parties agreed to enter into Amendment No. 2 to extend the term of the agreement from April 30, 2017 to September 30, 2017.

Amendment No. 3 to the agreement with West Yost Associates, Inc. is proposed in the amount of \$50,000 for a total amount not-to-exceed \$225,000 to continue services until the hiring process for the City Engineer is completed.

California Environmental Quality Act: Exempt from CEQA as there will be no physical change to the environment.

Alternative: Failure to approve the amendment could result in reduced level of service and added burden to Engineering section leads and possibly added burden to other Department heads.

Fiscal Impact: None. There are sufficient funds in the department's budget

Recommendation: Approve Amendment No. 3 to the Agreement with West Yost Associates, Inc. for staff augmentation services in the amount of \$50,000, for a total contract amount not-to-exceed \$225,000.

Attachment: Amendment No. 3 to the Agreement with West Yost Associates

- *26. Approve and Authorize the City Manager to Execute Amendment No. 6 to the Consulting Service Agreement with Mott MacDonald, LLC to Increase Compensation in the Additional Amount of \$175,000 and to Extend the Term to December 31, 2017 Associated with Land Development Projects (Staff Contact: Greg Chung, 408-586-3355)**

Background: In July of 2014, the City was experiencing a high demand for review of Land Development projects in the City. In response to this demand, the City entered into an agreement with Mott MacDonald, LLC (MMLLC) to provide staff that would sit in City offices and provide project management and plan review assistance. More than 90% of the costs associated with these services were reimbursed to the City by the developers.

A summary of the contracts with MMLLC is summarized in the table below.

Date	Total Amount	Description
July 14, 2014 to June 30, 2015	\$19,850	Original contract for assistance with Land Development Review and Land Surveying services
October 7, 2014 to June 30, 2015	\$162,960	Amendment No. 1 for assistance with Land Development Review and Land Surveying services
May 19, 2015 to December 31, 2015	\$271,200	Amendment No. 2 for assistance with Land Development Review and Land Surveying services
December 1, 2015 to June 30, 2016	\$482,950	Amendment No. 3 for assistance with Land Development Review and Land Surveying services
June 1, 2016 to June 30, 2017	\$932,950	Amendment No. 4 for assistance with Land Development Review and Land Surveying services
June 1, 2016 to June 30, 2017	\$1,142,950	Amendment No. 5 for assistance with Land Development Review and Land Surveying services
June 30, 2017 to December 31, 2017	\$1,317,950	TOTAL Contract Amount Proposed

The high demand for land development reviews and project management has been constant since July 2014 and is also reflected in the current number of projects that the Engineering Department is tracking, summarized below.

Project Stage	Number of Projects
Entitlement Phase	10
Plan Check	20
Construction	20
TOTAL	50

During this time, the City was attempting to fill long-term staffing needs and was actively recruiting. However, due to a very demanding market for engineers, it has been challenging to find qualified candidates. Engineering Department still has one vacancy for Associate Civil Engineer. Amendment No. 6 to the agreement with Mott MacDonald is needed to extend MMLLC's support services to provide additional staff capacity for the current Land Development projects, while the City continues to recruit qualified permanent staff. The MMLLC engineer that the City will use has been assisting the City in the past three years from the beginning of the contract, who provides consistency and continuity associated with Land Development project reviews. MMLLC is also needed to provide map review and approval services, which is a highly specialized service that requires a licensed Land Surveyor.

Total hours estimated from MMLLC for the next six months is approximately 1,130, which results in an estimated expenditure of \$175,000. The anticipated hours needed for this amendment are broken down in the table below.

Service Type	Approx. Hours/ week	Approximate Duration	Approximate Sub-total Amount
Project Management and Plan Review	32 hours/week with one Consultant Engineer	6 months	\$119,000
Land Surveying	15 hours/week with one land surveyor	6 months	\$56,000

The proposed amendment is within the current Engineering Department budget for this function. Revenue from Land Development projects are anticipated to cover the majority of the costs associated with this amendment. Staff recommends that the City Council approve Amendment No. 6 with an additional compensation in the amount of \$175,000 with the total compensation not-to-exceed \$1,317,950, and to extend the term to December 31, 2017.

Alternative: Denial of this request will lead to delayed completion of Land Development Engineering tasks and thus resulting in delay of development project approval. Denial of this request will delay new building occupancy for opening of new business in the City.

California Environmental Quality Act: This action is not considered a project under CEQA as there will be no direct, or reasonable foreseeable indirect physical change in the environment as this item concerns merely staff augmentation at the City.

Fiscal Impact: The additional cost of \$175,000 is available in Engineering Department's fiscal year 2016-17 and FY 2017-18 operating budget. A majority of the \$175,000 will be reimbursed by the developers through their private job accounts.

Recommendation: Approve and authorize the City Manager to execute Amendment No. 6 to the Consulting Services Agreement with Mott MacDonald, LLC to increase compensation in the additional amount of \$175,000 associated with land development projects.

Attachment: Amendment No. 6 to the Consulting Services Agreement

***27. Approve Temporary Water Service Agreement with Summitpointe Golf Course (Staff Contact: Nina Hawk, 408-586-2603)**

Background: Summitpointe Golf Club, located at 1500 Country Club Drive, Milpitas, currently does not have access to irrigation water. The course normally draws raw water from the Santa Clara Valley Water District (SCVWD). The pipeline that conducts that water source is currently under repair by SCVWD and repairs are not anticipated to be completed until June 27, 2017. The golf course is currently using water reserves to water tee boxes and greens which are expected to be depleted by mid-June. After the reserves have been depleted, the golf course will not be able to maintain an irrigation schedule until the SCVWD pipeline is back in service.

Summitpointe Golf Club requested the City of Milpitas provide water for irrigating tee boxes and greens should SCVWD not be able to complete the pipeline by June 27, 2017. This would ensure the golf course can remain operational. Additionally, staff have confirmed watering of tees and greens are within the guidelines of the City's current domestic water contingency plan. The City will provide Summitpointe Golf Club with water for up to one month after June 27, 2017.

It is anticipated that City water will be delivered through a fire hydrant or direct connection to the golf course's reservoirs. Summitpointe Golf Club will be responsible to construct any needed piping, backflow devices, and meters and obtain permits to receive the water from the City system. It is necessary to limit the water use for Summitpointe Golf Club for the one month period to 5.3 acre feet due to infrastructure capacity of the City's hillside water system and to ensure sufficient supply to meet health and safety requirements of the community.

California Environmental Quality Act: The water agreements are categorically exempt from further CEQA review under Section 15034, Minor Alterations to Land, of the CEQA Guidelines in that the proposed project includes minor trenching and backfill for water supply purposes.

Fiscal Impact: None. There will be no fiscal impact to the City as the additional operational costs of the water served to Summitpointe and Spring Valley will be recouped through utility billing. The associated work to extend the on-site water mains to the golf course sites will be the responsibility of Summitpointe Golf Course.

Recommendation: Approve temporary water service agreement with Summitpointe Golf Course in the event that the golf course runs out of reserves and Santa Clara Valley Water District has not completed its pipeline project by June 27, 2017.

Attachment: Agreement with Summitpointe GC

XXI. REPORTS OF MAYOR & COUNCILMEMBERS – from the assigned Commissions, Committees and Agencies

XXIII. ADJOURNMENT

NEXT REGULAR CITY COUNCIL MEETING:
TUESDAY, JUNE 20, 2017